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SEP 12 2006

REMARKS

Claim Rejections

1. Claim 1, 2, 4-6 are rejected under 35 USC 103(a) as being unpatentable over Smith (US 5275830), and as evidence by Brennan and in view of LaBaw et al.

Applicant emphasizes that claim 1 is directed to a food bar comprising dried fruit pieces having a moisture content of between 15% and 30%. This relatively high moisture content is another contributor to the soft, spongy texture of the product claimed.

In contrast, the prior art, and particularly the Smith reference teach very low moisture products. The Smith reference specifically teaches away from a food bar having fruit pieces with the claimed level of moisture. At column 7, lines 25-31, it is stated:

If fruit, such as raisins and/or dates, is added, then the overall moisture content of the final product will be in the range of about 1.0% to about 6.0%, preferably from about 2.0% to about 3.0% by weight. Substantial deviation from the specified moisture content will result in a product which is not desirable.

The passage referred to by the Examiner as referring to moisture level (column 7, lines 38-48) in fact refers to the proportion of the ready-to-eat food bar which is dried fruit – not the moisture content.

As seen in the excerpt from the Smith reference, the moisture content claimed in claim 1 is considered to be undesirable. The claimed minimum moisture of the fruit pieces in claim 1 is 15%, while Smith teaches that the upper limit is 6%.

In the LaBaw reference, a similar low moisture content is described (column 4, lines 23-27):

The amount of water initially added and the heating conditions are adapted to reduce the water content of the premix to about 5-10%, preferably 4-8 by weight of the mixture. The finished bars possess a similar weight percent of water...

Therefore, claim 1 is submitted to be novel and inventive over the cited prior art. Claims 2-10 are dependent on claim 1.

CONCLUSION

In view of the foregoing remarks and amendments, it is respectfully submitted that this application is in condition for allowance and allowance thereof is respectfully requested.

Respectfully submitted,

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